

Notice of Allowability

Application No.

10/090,749

Examiner

Vineeta S. Panwalkar

Applicant(s)

FERRARIO ET AL.

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 08/12/05.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050914.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20050914</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: Examiner's amendment to Drawing.

DETAILED ACTION

Interview Summary

1. Interview summary form 413 B is attached with this office action. Fig. 3 was discussed. Permission to make an examiner's amendment was requested in order to show the claimed invention correctly, i.e. to show that comparisons are made between P_D & K_M . P_M and P_M & K_D . P_D , as disclosed in the specification.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Mr. Ronald Kimble on September 27, 2005.

An examiner's amendment to the record is attached herewith. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Allowable Subject Matter

2. Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance:

- 2a. Regarding claim 1, prior art of record fails to show a method for selecting a clock signal in a baseband combiner of a space-diversity receiver with the step of driving the clock recovery circuit by means of the sampled signal chosen on the

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basis of a comparison between the average power of the main and diversity equalized signals in combination with all the other limitations of the claim.

2b. Claims 2 and 3 are allowed as being dependent on claim 1.

2c. Regarding claim 4, prior art of record fails to show a baseband combiner of a space-diversity receiver wherein the clock recovery circuit is driven by means of the sampled signal chosen on the basis of a comparison between the average power of the equalized signals in combination with all the other limitations of the claim.

2d. Claims 5 and 6 are allowed as being dependent on claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Miya et al. (US 6470194 B1) disclose a base station with improved directivity using adaptive antenna array reception wherein timing detection is based on power of the signal.

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- Fujimara (US 5905767) discloses a diversity communication apparatus that uses a timing recovery apparatus wherein timing recovery is based on received signal power.
- Miya et al. (US 6721367 B1) disclose a base station apparatus and radio communication method wherein timing detection is based on power of the signal.
- Imai et al. (Pub. No.: US 2001/0030991 A1) disclose apparatus and method for measurement of communication quality in CDMA system wherein average power of the received signal is used in timing detection.

Contact Information

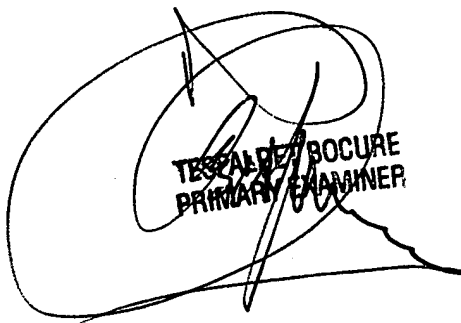
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vineeta S. Panwalkar whose telephone number is 571-272-8561. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



TERESA BOCURE
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

9/27/05 VP

3/4

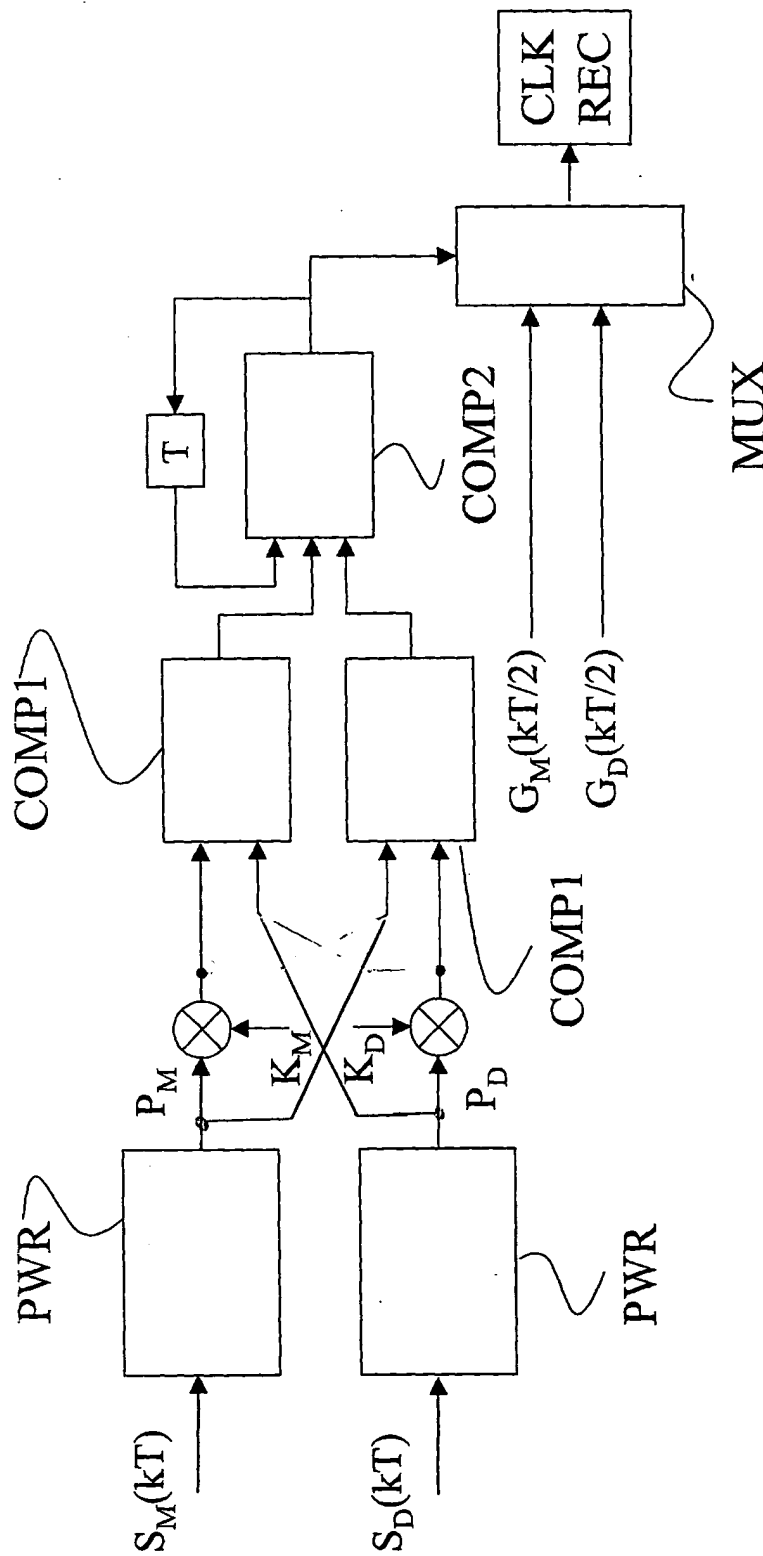


Fig. 3